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UMG RECORDINGS, INC., et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE NAPSTER, INC. COPYRIGHT
LITIGATION

CASE NO. C-MDL-00-1369 MHP

**STIPULATION AND ~~[PROPOSED]~~ ORDER
OF DISMISSAL WITH PREJUDICE**

This Document Relates To:

UMG RECORDINGS, INC., et al.,

Plaintiffs,

vs.

BERTELSMANN AG, et al.,

Defendants.

No. C 04-1351 MHP

Plaintiffs UMG Recordings, Inc., Interscope Records, and Motown Record Company, L.P., and Defendants Bertelsmann AG, Bertelsmann, Inc. and BMG Columbia House, Inc., by and through their undersigned counsel and pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby stipulate that the above-captioned action, including all claims raised in the Complaint filed therein, shall be and hereby are dismissed with prejudice pursuant to a settlement agreement reached by the parties in this action, the contents of which have been deemed confidential by the parties. The parties stipulate that this Court will retain jurisdiction to enforce the settlement agreement.

DATED: September 6, 2006

MUNGER, TOLLES & OLSON LLP

By: /s/
GLENN D. POMERANTZ

Attorneys for Plaintiffs
UMG RECORDINGS, INC., INTERSCOPE
RECORDS, and MOTOWN RECORD
COMPANY, L.P.

DATED: September 6, 2006

WEIL, GOTSHAL & MANGES LLP

By: /s/
R. BRUCE RICH

Attorneys for Defendants
BERTELSMANN AG, BERTELSMANN,
INC. and BMG COLUMBIA HOUSE, INC.

ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

September 7, 2006

